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Casino Resorts, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARK KALLING, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

CANNERY CASINO RESORTS, LLC (d/b/a)
Cannery Casino Hotel)(d/b/a Cannery Casino
& Hotel); and DOES 1 through 100, inclusive,

Defendants.

Case No. 2:17-cv-02592-JCM-NJK

**JOINT STATUS REPORT AND
STIPULATION AND [PROPOSED]
ORDER TO TEMPORARILY STAY
CASE**

The parties jointly submit this status report in response to the Court's January 4, 2018 Order (Dkt. No. 9). For the reasons explained below, the parties stipulate to temporarily stay this case in its entirety, including all pleading and discovery deadlines, for 90 days pending the United States Court of Appeals for the Ninth Circuit's issuance of a decision in *Noble v. Nevada Checker Cab Corporation*, (D. Nev. Case No. 2:15-cv-02322-RCJ-VCF; 9th Cir. Case No. 16-16573. The parties make this stipulation on the following grounds:

1. Both this case and the *Noble* case involve the same cause of action, brought as class actions under Fed. R. Civ. P. 23, asserting that defendants violated the Fair and

1 Accurate Credit Transactions Act ("FACTA") by displaying on credit/debit card receipts, more
2 information than is allowable under FACTA.

3 2. One of the common issues in FACTA cases in federal courts is the
4 question of subject-matter jurisdiction under Article III of the United States Constitution. This
5 issue is currently being litigated in many jurisdictions, including the District of Nevada.

6 3. The *Noble* case and this case both involve the issue of Article III standing.

7 4. The *Noble* case is currently on appeal to the United States Court of
8 Appeals for the Ninth Circuit, has been fully briefed, and the Ninth Circuit heard oral argument
9 on the appeal on November 17, 2017.

10 5. Counsel for both the plaintiff and defendant in this case are also counsel in
11 the *Nobel* case, and anticipate a decision from the Ninth Circuit in the coming months.

12 6. Counsel for both plaintiff and defendant agree that the Ninth Circuit's
13 decision in *Nobel* will likely inform the law applicable to this case.

14 7. Although *Noble* involves some factual differences from this case, the
15 Ninth Circuit's opinion may be dispositive to the issue of whether a federal court has Article III
16 subject matter-jurisdiction, and because a decision in *Noble* by the Ninth Circuit is expected
17 within months, the Court should stay this matter in the interim to promote efficiency and judicial
18 economy.

19 8. Given this, counsel for both plaintiff and defendant agree that a temporary
20 90-day stay of this case pending a decision in *Nobel* will promote efficiency and reduce costs as
21 contemplated by Fed. R. Civ. P. 1.

22 9. If the Court approves this stipulation, the parties will file a status report in
23 90 days from the date of the Court's Order or 15 days from the date the Ninth Circuit issues its
24 opinion in *Noble*, whichever date occurs first.

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DEMPSEY, ROBERTS & SMITH, LTD.

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ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: January 10, 2018